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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,305	12/06/2003	Steven W. Kegg	2682	2163

7590 09/06/2006

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EXAMINER
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SNIDER, THERESA T

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/730,305	<b>Applicant(s)</b> KEGG ET AL.	
	<b>Examiner</b> Theresa T. Snider	<b>Art Unit</b> 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-22 is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-14 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 10 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/6/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/6/2003</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:  
reference character “62” has been used to designate both upright handle assembly(page 4, line 26) and handle portion(page 5, line 3);  
reference character “124” has been used to designate both suction nozzle assembly(page 6, line 3) and suction nozzle(page 6, line 8). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 874(page 9, line 11). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities:

Exemplary of such:

Page 8, line 7, 'a' should be replaced with 'the';

, 'The' should be replaced with 'An';

, '814' should be inserted after 'outlet';

, '814' should be replaced with '822';

line 23, 'solution' should be deleted;

, '15' should be replaced with '815'.

Page 10, line 22, 'valve' should be replaced with 'valves'.

Page 11, line 21, the status of the copending application should be updated.

Appropriate correction is required.

### ***Claim Objections***

4. Claims 1-22 are objected to because of the following informalities: Claims 1, 14 and 19, line 3, 'the dirt' should be replaced with 'any dirt'. Claim 21, line 8, 'predetermine' should be replaced with 'predetermined'. Appropriate correction is required.
5. Claims 3 and 7 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to

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cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 3 and 7 fail to further structurally limit the apparatus, rather they define a function of use.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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9. Claims 1, 6-7, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helm et al..

Helm et al. discloses a similar cleaning apparatus however fails to disclose a removably mounted tank.

Helm et al. discloses a housing (fig. 1, #1).

Helm et al. discloses a fluid source providing a supply of cleaning solution (fig. 1, #4).

Helm et al. discloses a distributor fluidly connected to the source (fig. 1, #6).

Helm et al. discloses a suction nozzle (fig. 1, #8).

Helm et al. discloses a recovery tank mounted to the housing (fig. 1, #5). With respect to the tank being 'removably' mounted, it would have been obvious to one of ordinary skill in the art to make the tanks of Helm et al. removable since constructing a formerly integral structure to be removable involves only routine skill in the art.

Helm et al. discloses a suction source (fig. 2, #19).

Helm et al. discloses a first filter provided on a filter support mounted to the recovery tank (fig. 2, #18).

Helm et al. discloses a second filter fluidly connected between the recovery tank and the distributor (fig. 2, #25, col. 4, lines 12-17).

With respect to claims 6-7, it would have been obvious to one of ordinary skill in the art to determine the most appropriate filter type in Helm et al. to allow for the most effective removal of the desired particles.

With respect to claim 11, Helm et al. discloses a handle pivotally connected to the housing (fig. 1, #10').

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With respect to claim 13, Helm et al. discloses the fluid source provided in the recovery tank (fig. 2, dashed lines in #15).

10. Claims 14, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helm et al. in view of Scanlon et al..

Helm et al. discloses a similar cleaning apparatus however fails to disclose a polytetrafluoroethylene film.

Helm et al. discloses a housing (fig. 1, #1).

Helm et al. discloses a fluid source providing a supply of cleaning solution (fig. 1, #4).

Helm et al. discloses a distributor fluidly connected to the source (fig. 1, #6).

Helm et al. discloses a suction nozzle (fig. 1, #8).

Helm et al. discloses a recovery tank mounted to the housing (fig. 1, #5). With respect to the tank being 'removably' mounted, it would have been obvious to one of ordinary skill in the art to make the tanks of Helm et al. removable since constructing a formerly integral structure to be removable involves only routine skill in the art.

Helm et al. discloses a suction source (fig. 2, #19).

Helm et al. discloses a filter assembly provided on a filter support mounted to the recovery tank (fig. 2, #18). Scanlon et al. discloses a cleaning apparatus that uses a polytetrafluoroethylene film in a filtering assembly (abstract). It would have been obvious to one of ordinary skill in the art to provide the polytetrafluoroethylene film of Scanlon et al. in Helm et al. because it does not degrade when contacted by water.

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With respect to claims 16, Helm et al. discloses a handle pivotally connected to the housing (fig. 1, #10').

With respect to claim 18, Helm et al. discloses the fluid source provided in the recovery tank (fig. 2, dashed lines in #15).

11. Claims 1-3, 6-9 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clemons, Sr..

Clemons, Sr. discloses a similar cleaning apparatus however fails to disclose a removably mounted tank.

Clemons, Sr. discloses a housing (fig. 1, unnumbered line to right of #16).

Clemons, Sr. discloses a fluid source providing a supply of cleaning solution (fig. 1, #902).

Clemons, Sr. discloses a distributor fluidly connected to the source (fig. 1, #68A,66B).

Clemons, Sr. discloses a suction nozzle (fig. 1, #56).

Clemons, Sr. discloses a recovery tank mounted to the housing (fig. 1, #924). With respect to the tank being 'removably' mounted, it would have been obvious to one of ordinary skill in the art to make the tanks of Clemons, Sr. removable since constructing a formerly integral structure to be removable involves only routine skill in the art.

Clemons, Sr. discloses a suction source (fig. 1, #920).

Clemons, Sr. discloses a first filter provided on a filter support mounted to the recovery tank (fig. 1, #930).



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Clemons, Sr. discloses a second filter fluidly connected between the recovery tank and the distributor (fig. 1, #938).

With respect to claim 2, Clemons, Sr. discloses a third filter fluidly connected between the second filter and the distributor (col. 5, lines 14-20).

With respect to claims 3 and 6-7, it would have been obvious to one of ordinary skill in the art to determine the most appropriate filter medium in Clemons, Sr. to allow for the most effective removal of the desired particles.

With respect to claim 8, Clemons, Sr. discloses a pump fluidly connected between the recovery tank and the distributor (fig. 1, #934,906).

With respect to claim 9, Karpanty discloses a detergent tank fluidly connected to the second filter (fig. 5, #104,102,100,94,86,84,70).

With respect to claim 12, Clemons, Sr. a heater fluidly connected between the recovery tank and the distributor (fig. 1, #908).

With respect to claim 13, Clemons, Sr. discloses the fluid source provided in the recovery tank (fig. 2, dashed lines in #15).

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clemons, Sr. as applied to claim 3 above, and further in view of Sprinkle.

Clemons, Sr. discloses a similar cleaning apparatus however fails to disclose the third filter being a charcoal filter.

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Sprinkle discloses a cleaning apparatus with a charcoal filter (fig. 1, #30). It would have been obvious to one of ordinary skill in the art to provide the charcoal filter of Sprinkle in Clemons, Sr. to allow for the most effective removal of the desired particles.

13. Claims 5, 14 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clemons, Sr. in view of Scanlon et al..

Clemons, Sr. discloses a similar cleaning apparatus however fails to disclose a polytetrafluoroethylene film.

Scanlon et al. discloses a cleaning apparatus that uses a polytetrafluoroethylene film in a filtering assembly (abstract). It would have been obvious to one of ordinary skill in the art to provide the polytetrafluoroethylene film of Scanlon et al. in Clemons, Sr. because it does not degrade when contacted by water.

With respect to claim 17, Clemons, Sr. a heater fluidly connected between the recovery tank and the distributor (fig. 1, #908).

With respect to claim 18, Clemons, Sr. discloses the fluid source provided in the recovery tank (fig. 2, dashed lines in #15).

14. Claims 1-3, 6-8 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karpanty.

Karpanty discloses a similar cleaning apparatus however fails to disclose a removably mounted tank.

Karpanty discloses a housing (fig. 1, #12).

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Karpanty discloses a fluid source providing a supply of cleaning solution (fig. 5, unnumbered liquid).

Karpanty discloses a distributor fluidly connected to the source (fig. 1, #68A,66B).

Karpanty discloses a suction nozzle (fig. 2, #26).

Karpanty discloses a recovery tank mounted to the housing (fig. 1, #12,28). With respect to the tank being 'removably' mounted, it would have been obvious to one of ordinary skill in the art to make the tanks of Karpanty removable since constructing a formerly integral structure to be removable involves only routine skill in the art.

Karpanty discloses a suction source (col. 2, lines 31-32).

Karpanty discloses a first filter provided on a filter support mounted to the recovery tank (fig. 4, #54).

Karpanty discloses a second filter fluidly connected between the recovery tank and the distributor (fig. 14 #70).

With respect to claim 2, Karpanty discloses a third filter fluidly connected between the second filter and the distributor (fig. 5, #92).

With respect to claims 3 and 6-7, it would have been obvious to one of ordinary skill in the art to determine the most appropriate filter medium in Karpanty to allow for the most effective removal of the desired particles.

With respect to claim 8, Karpanty discloses a pump fluidly connected between the recovery tank and the distributor (col. 3, lines 37-38).

With respect to claim 13, Karpanty discloses the fluid source provided in the recovery tank (fig. 4, dashed lines in #50).

15. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karpanty as applied to claim 3 above, and further in view of Sprinkle.

Karpanty discloses a similar cleaning apparatus however fails to disclose the third filter being a charcoal filter.

Sprinkle discloses a cleaning apparatus with a charcoal filter (fig. 1, #30). It would have been obvious to one of ordinary skill in the art to provide the charcoal filter of Sprinkle in Karpanty to allow for the most effective removal of the desired particles.

16. Claims 5, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karpanty in view of Scanlon et al..

Karpanty discloses a similar cleaning apparatus however fails to disclose a polytetrafluoroethylene film.

Scanlon et al. discloses a cleaning apparatus that uses a polytetrafluoroethylene film in a filtering assembly (abstract). It would have been obvious to one of ordinary skill in the art to provide the polytetrafluoroethylene film of Scanlon et al. in Karpanty because it does not degrade when contacted by water.

With respect to claim 18, Karpanty discloses the fluid source provided in the recovery tank (fig. 2, dashed lines in #15).

17. Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karpanty as applied to claims 1 and 14, respectively, above, and further in view of Herpers et al..

Karpanty discloses a similar cleaning apparatus however fails to disclose a pivotal handle.

Karpanty discloses the housing having a base for movement along the surface (fig. 1, #12). Herpers et al. discloses a cleaning apparatus that can be ridden or pushed using a handle by an operator (fig. II, #14). It would have been obvious to one of ordinary skill in the art to provide the handle of Herpers et al in Karpanty to allow for maneuvering by an operator in smaller surface areas. It would have been obvious to one of ordinary skill in the art to pivotally mount the handle to the base in Karpanty in view of Herpers et al. to allow for optimal positioning of the handle dependent on the operator.

#### ***Allowable Subject Matter***

18. Claims 10 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

19. Claims 19-22 are allowed.

#### ***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blue et al. discloses a cleaning apparatus with a filter assembly having more than one filter. Meili discloses a cleaning apparatus with a detergent dosing device where the detergent concentration is set by the operator using a knob and is dependent on the dosing speed of the new

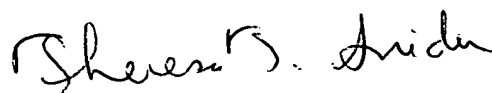
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cleaning liquid. Herpers et al. discloses a cleaning apparatus with a detergent dosing device to control the addition of additives to a recirculated cleaning solution.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Friday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Theresa T. Snider  
Primary Examiner  
Art Unit 1744

8/31/06